

1
2
3
4
5
6
7
8
9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**
12

13 IN RE APPLICATION OF SAVAN
14 MAGIC LTD. TO TAKE
15 DISCOVERY PURSUANT TO
28 U.S.C. § 1782

)
) Case No. 2:17-cv-01689-JCM-NJK
)
) ORDER (Docket Nos. 12, 28)
)

16 Pending before the Court is Respondent's motion to quash. Docket No. 12. Petitioner filed a
17 response, and Respondent filed a reply. Docket Nos. 23, 27. Respondent's motion seeks the quashing
18 of a subpoena for documents and deposition testimony that was served on him on July 15, 2017. *See*
19 Docket No. 12 at 10. Petitioner does not meaningfully dispute that the subpoena was defective, and
20 thereafter withdrew the subpoena. Docket No. 23 at 4. Accordingly, the dispute presented through
21 motion to quash has resolved itself, and the motion to quash is therefore **DENIED** as moot.¹

22 Petitioner served Respondent with a new subpoena after the motion to quash was filed. *See*
23 Docket No. 23 at 8. In addition to attempting to rectify alleged procedural defects with the original
24 subpoena, Petitioner also changed the discovery sought in the second subpoena. *See, e.g., id.* As the
25 second subpoena is not at issue in the motion, any dispute arising out of it is not properly before the
26 Court, and the Court declines to address the propriety of that second subpoena based on the shifting
27

28 ¹ Respondent's request for attorney's fees and costs in relation to his motion to quash is **DENIED**.

1 briefing of the parties. To the extent the parties dispute the propriety of the second subpoena, a proper
2 motion must be filed addressing that particular subpoena filed after a proper meet-and-confer if Court
3 intervention is required. If those circumstances exist, Petitioner shall file a motion to compel no later
4 than September 20, 2017.² That motion will be briefed pursuant to the default schedule in the local
5 rules, and will be decided in the ordinary course. Moreover, the Court **DENIES** as moot the motion to
6 file a surreply (Docket No. 28).

7 IT IS SO ORDERED.

8 DATED: September 6, 2017

9
10 
NANCY J. KOPPE
United States Magistrate Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24

25
26 ² The Court will not entertain any counter-motion to quash or for protective order. All relevant
27 arguments should be included in briefing the motion to compel. To the extent the Court finds any or all of
28 the discovery sought to be improper, it will issue *sua sponte* an order protecting Respondent from that
discovery. *E.g.*, Fed. R. Civ. P. 37(a)(5)(B) (“If the motion [to compel] is denied, the court may issue any
protective order authorized under Rule 26(c)”).